



Transcript of **DAVID FREEMAN**

Date: November 17, 2014

Case: MAHDAVI v. NEXTGEAR CAPITAL, INC., ET AL

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1	IN THE UNITED STATES DISTRICT COURT	1	APPEARANCES	3
2	FOR THE EASTERN DISTRICT OF VIRGINIA	2	ON BEHALF OF PLAINTIFF:	
3	Alexandria Division	3	JONATHAN EDWARD LEVINE, ESQUIRE	
4	-----x	4	LEVINE DANIELS & ALLNUTT PLLC	
5	JODI C. MAHDAVI, : 6 Plaintiff, : 7 v. : Case No.: 8 NEXTGEAR CAPITAL, INC., et : 1:14-cv-00648-TSE-TCB	5	5311 Lee Highway	
9	al., : 10 Defendants. : 11-----x	6	Arlington, Virginia 22207	
12		7	(703) 525-2668	
13	Deposition of NEXTGEAR CAPITAL, INC.,	8		
14	By and through its Corporate Designee,	9	ON BEHALF OF DEFENDANT PAR SERVICES INC.:	
15	DAVID FREEMAN	10	JAMES N. MARKELS, ESQUIRE	
16	Washington, DC	11	JACKSON & CAMPBELL PC	
17	Monday, November 17, 2014	12	1120 Twentieth Street, NW, South Tower	
18	11:05 a.m.	13	Washington, DC 20036	
19		14	(202) 457-1600	
20	Job No.: 70226	15		
21	Pages: 1 - 124	16	ON BEHALF OF DEFENDANT NEXTGEAR CAPITAL INC.:	
22	Reported By: Lee Bursten, RMR, CRR	17	JAMES D. BRAGDON, ESQUIRE	
		18	GALLAGHER EVELIUS & JONES LLP	
		19	218 North Charles Street, Suite 400	
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		22		
1	Deposition of NEXTGEAR CAPITAL, INC., By	2		4
2	and through its Corporate Designee, DAVID FREEMAN,		CONTENTS	
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7	1120 Twentieth Street, NW			
8	South Tower			
9	Washington, DC 20036		EXHIBITS	
10	(202) 457-1600		(Attached to transcript. Exhibits 5, 6, 7, and 9 were	
11			not introduced.)	
12			NEXTGEAR DEPOSITION EXHIBITS	PAGE
13			Exhibit 1 Notice of Deposition	6
14			Exhibit 2 NextGear Capital Inc.'s Answer	18
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1 EXHIBITS C O N T I N U E D		
2 NEXTGEAR DEPOSITION EXHIBITS	PAGE	
3 Exhibit 8 Demand Promissory Note and Loan	61	1 you've been chosen as the corporate representative
4 and Security Agreement		2 for NextGear?
5 Exhibit 10 Collections Management Record	65	3 A Yes.
6 Exhibit 11 Condition Report	108	4 Q And you're here voluntarily today?
7 Exhibit 12 Howard letter to Mahdavi,	102	5 A Yes.
8 6/13/14		6 Q And you're here to testify on each of the
9		7 items designated in the notice of deposition?
10		8 A Yes.
11		9 Q Okay. Are there any of the items in the
12		10 designation that you're not prepared to testify to
13		11 today?
14		12 A No.
15		13 Q And who is your employer?
16		14 A NextGear Capital.
17		15 Q And what's your business address?
18		16 A 1320 City Center Drive. It's Carmel,
19		17 Indiana.
20		18 Q And where do you work?
21		19 A My residence is 4320. I work out of
22		20 Baltimore, Owings Mills, Maryland.
		21 Q And what's the full address?
		22 A 4320 Holbrook, H-O-L-B-R-O-O-K.
	6	8
1 P R O C E E D I N G S		
2 DAVID FREEMAN		1 Q That's in Baltimore?
3 having been duly sworn/affirmed, testified as		2 A Yes.
4 follows:		3 Q Okay. And what is your job title at
5 EXAMINATION BY COUNSEL FOR PLAINTIFF		4 NextGear?
6 BY MR. LEVINE:		5 A Account executive.
7 Q Would you please state your full name.		6 Q Okay. And what are your job
8 A David Freeman, F-R-E-E-M-A-N.		7 responsibilities?
9 Q And Mr. Freeman, you understand you're here		8 A Basically to grow my market and/or
10 as a corporate representative for NextGear?		9 retention, as far as collect the money.
11 A That's correct.		10 Q Okay. What is your market?
12 Q If you can take a look at what I've marked		11 A Baltimore. I cover Baltimore, a little bit
13 as NextGear 1.		12 of Pennsylvania, and that's pretty much it.
14 (NextGear Exhibit 1 was marked for		13 Q When you say "Baltimore," the city of
15 identification and attached to the deposition		14 Baltimore?
16 transcript.)		15 A Basically you can say the State of
17 BY MR. LEVINE:		16 Maryland.
18 Q Have you seen this document before?		17 Q And how long have you been employed at
19 A I had not.		18 NextGear?
20 Q You've never seen it? Okay. This was the		19 A I started with NextGear in June of '08.
21 notice of deposition for NextGear to designate a		20 Q And when you started with NextGear, what
22 corporate representative. Do you understand that		21 was your position?
		22 A General manager.

DEPOSITION OF CORPORATE DESIGNEE, DAVID FREEMAN
CONDUCTED ON MONDAY, NOVEMBER 17, 2014

3 (Pages 9 to 12)

<p>9</p> <p>1 Q And how long were you a general manager for 2 NextGear?</p> <p>3 A I guess about three years. And we 4 downsized and moved our offices to Indiana, so I 5 became an account executive in 2010.</p> <p>6 Q Have you had any other roles within the 7 company?</p> <p>8 A No.</p> <p>9 Q So you've been an account executive since 10 2010 to the present?</p> <p>11 A Correct.</p> <p>12 Q Have you ever given a deposition before?</p> <p>13 A No. This will be my first.</p> <p>14 Q Okay. Have you ever testified in court 15 before?</p> <p>16 A Yes.</p> <p>17 Q And was that on behalf of NextGear?</p> <p>18 A Yes.</p> <p>19 Q And where was that?</p> <p>20 A I've been -- this case, I guess about two 21 weeks ago. And a couple of other cases.</p> <p>22 Q When you say "this case," do you mean --</p>	<p>11</p> <p>1 going to ask you questions. Your attorney may have 2 an opportunity to object to some of those questions. 3 And do you understand that you're still required to 4 answer those questions even if your attorney objects?</p> <p>5 A Yes.</p> <p>6 Q So unless he instructs you not to answer, 7 you still need to provide an answer.</p> <p>8 A Okay.</p> <p>9 Q Are we in agreement on that?</p> <p>10 A Yes.</p> <p>11 Q Okay. And please, if you don't understand 12 any of my questions, let me know, okay? Is it fair 13 if you don't say anything to me, that I will assume 14 that you understand my question?</p> <p>15 A Yes.</p> <p>16 Q Okay.</p> <p>17 A Yes.</p> <p>18 Q And the central issue of this case is about 19 a 650i BMW; do you understand that?</p> <p>20 A Yes.</p> <p>21 Q So if I'm talking about the BMW, are we on 22 the same page that we're talking about the white BMW</p>
<p>10</p> <p>1 A I guess against Baltimore-Washington.</p> <p>2 Q NextGear against Baltimore-Washington?</p> <p>3 A Yes.</p> <p>4 Q So not Mrs. Mahdavi's case?</p> <p>5 A Correct.</p> <p>6 Q Was that a hearing that you testified in?</p> <p>7 A It was -- I want to say a -- I guess we 8 were putting claim against his assets at the time, 9 what do you call that?</p> <p>10 MR. BRAGDON: Preliminary injunction.</p> <p>11 A Preliminary injunction against Molavi, 12 Mr. Molavi.</p> <p>13 BY MR. LEVINE:</p> <p>14 Q The owner of BWA?</p> <p>15 A The owner of Baltimore-Washington.</p> <p>16 Q And when was this?</p> <p>17 A I'm going to say about two to three weeks 18 ago. I don't have the exact date.</p> <p>19 Q Okay. And was a preliminary injunction 20 entered?</p> <p>21 A Yes.</p> <p>22 Q Since this is your first deposition, I'm</p>	<p>12</p> <p>1 650i?</p> <p>2 A Yes.</p> <p>3 Q You said you testified in NextGear's claim 4 against BW Auto. Have you testified in any other 5 lawsuits on behalf of NextGear?</p> <p>6 A Yeah, about three other cases.</p> <p>7 Q Okay. And when was that?</p> <p>8 A I would not have the dates for that. Just 9 through the course of the years.</p> <p>10 Q Okay. So since you became an account 11 executive, or when you were a general manager?</p> <p>12 A At one point, I think I was still a general 13 manager. And as an account executive. It's in both 14 positions.</p> <p>15 Q And were those also attempts to collect?</p> <p>16 A Collect debt, yes.</p> <p>17 Q Do you recall the most recent of the three?</p> <p>18 Not the NextGear and BW Auto, but --</p> <p>19 A Somewhat.</p> <p>20 Q And who is the defendant in that case?</p> <p>21 A Who was the defendant? No, I wouldn't have 22 that name.</p>

DEPOSITION OF CORPORATE DESIGNEE, DAVID FREEMAN
CONDUCTED ON MONDAY, NOVEMBER 17, 2014

4 (Pages 13 to 16)

<p>13</p> <p>1 Q Do you recall whose loan it was that 2 NextGear was trying to collect?</p> <p>3 A The name of the company?</p> <p>4 Q Yes.</p> <p>5 A They've since gone out of business. It's 6 been a couple of years. So no, I don't have the name 7 of -- it was actually down in Fredericksburg, 8 Virginia.</p> <p>9 Q Okay. Other than your attorney, have you 10 discussed the facts of this case with anybody else?</p> <p>11 A No.</p> <p>12 Q Did you speak to Lisa Long about the case?</p> <p>13 A That's my direct supervisor, so yes.</p> <p>14 Q So you did speak to Lisa Long?</p> <p>15 A Yes.</p> <p>16 Q All right. Did you speak to --</p> <p>17 A Outside of the company, NextGear, no. Of 18 course Lisa, and our attorneys.</p> <p>19 Q Okay. So no one else besides Lisa Long at 20 NextGear did you speak to?</p> <p>21 A No. No.</p> <p>22 Q Okay.</p>	<p>15</p> <p>1 been filed in the case?</p> <p>2 A Yes.</p> <p>3 Q All right. And how about NextGear's answer 4 to the --</p> <p>5 A Yes.</p> <p>6 Q NextGear's answer to the preliminary 7 injunction?</p> <p>8 A Yes.</p> <p>9 Q All right. And did you review Lisa Long's 10 affidavit?</p> <p>11 A Yes.</p> <p>12 Q Did you discuss Lisa Long's affidavit with 13 Lisa Long?</p> <p>14 A No. I actually just read it this morning.</p> <p>15 Q Okay. Did you do any investigation into 16 the facts and circumstances for Ms. Long's affidavit, 17 the facts and circumstances that form the basis of 18 her affidavit?</p> <p>19 MR. BRAGDON: Objection, form.</p> <p>20 A Rephrase the question, please.</p> <p>21 BY MR. LEVINE:</p> <p>22 Q Sure. Ms. Long submitted an affidavit in</p>
<p>14</p> <p>1 A Besides our attorneys, correct?</p> <p>2 Q Yes, besides your attorneys. Not including 3 your attorneys?</p> <p>4 A Yes. Lisa and our attorneys.</p> <p>5 Q Okay. Did you review any documents in 6 preparation for your deposition?</p> <p>7 A Yes.</p> <p>8 Q Okay. What documents did you review?</p> <p>9 A Just the legal contracts. That was pretty 10 much it.</p> <p>11 Q Okay. When you say "the legal contracts," 12 which contracts?</p> <p>13 A Our contracts with Baltimore-Washington.</p> <p>14 Q Did you review any of the pleadings in the 15 case?</p> <p>16 A Yes, somewhat.</p> <p>17 Q Did you review Mrs. Mahdavi's complaint?</p> <p>18 A Yes.</p> <p>19 Q Did you review NextGear's answer to the 20 complaint?</p> <p>21 A Yes.</p> <p>22 Q Did you review any of the motions that have</p>	<p>16</p> <p>1 this case.</p> <p>2 A Okay.</p> <p>3 Q Did you do any investigation on your own to 4 determine how she came up with the facts to put into 5 her affidavit?</p> <p>6 A No.</p> <p>7 Q So you're here to testify on the factual 8 issues in the subject matter of the complaint?</p> <p>9 A Correct.</p> <p>10 Q And the factual allegations supporting 11 NextGear's responses in its answer to the complaint?</p> <p>12 A Correct.</p> <p>13 Q And the issues and subject matter in 14 NextGear's answer to the complaint?</p> <p>15 MR. BRAGDON: Objection, form. You can 16 answer.</p> <p>17 A Correct.</p> <p>18 BY MR. LEVINE:</p> <p>19 Q And you're also here to testify to each 20 fact learned by NextGear subsequent to the filing of 21 its answer to the complaint?</p> <p>22 MR. BRAGDON: Objection, form. You can</p>

	17		19
1	answer.	1	A Okay.
2	A I guess we've already provided a response.	2	Q Have you seen this document before?
3	BY MR. LEVINE:	3	A I have glanced at it, yes.
4	Q Yes, but you've been designated, issue	4	Q Okay. When did you glance at it?
5	number 3 on the notice of deposition says "Each fact	5	A This morning.
6	learned by NextGear subsequent to the filing of its	6	Q And that was the first time?
7	answer to the complaint that enables NextGear to	7	A Yes.
8	either admit or deny an allegation in the complaint	8	Q Do you have any facts that would change any
9	to which it previously answered that it lacks	9	of NextGear's answers?
10	sufficient knowledge or information with which to	10	A No.
11	admit or deny such allegation in the complaint."	11	Q In that answer to the complaint?
12	In other words, NextGear's answer to	12	A No.
13	paragraph 9 of the complaint, you're here for that,	13	Q You're not aware of any facts that would
14	you've been designated on that, correct?	14	change NextGear's answer?
15	MR. BRAGDON: Objection, asked and	15	A No.
16	answered. I'll just point out NextGear's attorneys	16	Q Have you ever done any investigation to
17	are also investigating. He won't be testifying about	17	determine whether any answers need to be --
18	any investigation the attorneys have done or what the	18	A I was directly involved with everything, so
19	attorneys' trial strategy is.	19	yes.
20	MR. LEVINE: He's testified that he's here	20	Q Okay. So just for the court reporter's
21	for all of these designations.	21	sake and for my sake, try to let me finish my
22	MR. BRAGDON: Yes.	22	question. Sometimes I'll pause before the end and
	18		20
1	MR. LEVINE: So I need to establish that he	1	you'll want to give an answer, and that's fine, but
2	actually knows something that he can testify on these	2	it will be easier if you wait until I finish my
3	designations. Otherwise, someone else is going to	3	question before you give your answer.
4	have to be deposed and I'm going to keep the	4	A Okay.
5	deposition open until we get the right person.	5	Q So you were directly involved in helping
6	MR. BRAGDON: Ask him what he knows.	6	prepare the answer?
7	MR. LEVINE: We're getting there, okay?	7	A No.
8	MR. BRAGDON: I'm just making the point	8	Q Okay. What were you directly involved in?
9	that NextGear is being represented by attorneys who	9	A As far as looking for the collateral
10	are also -- the way that topic is worded I think is a	10	inventory.
11	little broad. That's all I'm saying. So we object,	11	Q And so what was your involvement?
12	and we mention that. He would not know the trial	12	A So once we discovered that they had
13	strategy.	13	defaulted and had moved the vehicles, we went to --
14	MR. LEVINE: You didn't submit any written	14	we keep a record of every audit. So we went to every
15	objection to the designation. So we're here today.	15	place that we had conducted an audit and verified a
16	He's been designated. He's your guy.	16	vehicle. We actually have -- so we visited every --
17	(NextGear Exhibit 2 was marked for	17	every gas station, every dealership in the area,
18	identification and attached to the deposition	18	basically, looking for inventory.
19	transcript.)	19	Q Okay. When you say "they defaulted," who
20	BY MR. LEVINE:	20	are you referring to?
21	Q I would like you to take a look at what's	21	A Baltimore-Washington.
22	been marked NextGear Exhibit 2.	22	Q Okay. And when did you discover that they

	21		23
1	had defaulted?	1	discovered that the vehicles were missing.
2	A It was in April. I don't have the exact	2	Q So it was April of 2014, not March of 2014?
3	date. I just know I was contacted on a Monday night.	3	A April or March. That's what I'm saying. I
4	I visited the lot on a Tuesday morning. And there	4	don't have the exact dates. I don't recall.
5	were 13 cars on the lot out of 63.	5	Q Okay. Now, you said you spoke with Lisa
6	Q Okay. Was this on or about April 16th or	6	Long about this matter?
7	17th?	7	A Correct.
8	A Yes, I would say that.	8	Q What conversations did you have with her?
9	Q And did you personally go look for the	9	A So as soon as I discovered our vehicles
10	vehicles?	10	were missing, I called her and let her know how much
11	A Yes.	11	inventory we had missing at the time. Continued to
12	Q Did anyone go with you?	12	attempt to contact Molavi, who was the owner.
13	A No. A couple of times myself and Lisa rode	13	Actually, it was sitting with Alex, who was the
14	together. She's actually from out of town, so she	14	general manager at the time.
15	would come into town. We rode. But basically I was	15	Q You went to --
16	by myself. We had some other people in the area by	16	A I went to the dealership.
17	themselves.	17	Q -- visit him --
18	Q Okay. Anybody from Manheim go with you?	18	MR. BRAGDON: Just let him finish his
19	A Yes.	19	question.
20	Q Who was that?	20	BY MR. LEVINE:
21	A I can't even recall his name right now.	21	Q So you went to BW Auto and spoke with
22	But yes, a representative did come. I just can't	22	Mr. Molavi and Alex Mahdavi?
	22		24
1	recall his name.	1	A Can I answer now?
2	Q And what was Manheim going with you to look	2	Q Yes.
3	for the cars for?	3	MR. BRAGDON: Sorry.
4	A Manheim actually had a lawsuit as well. It	4	A So Molavi was not there. I actually spoke
5	started with Manheim. There were -- they extended a	5	with Alex Mahdavi.
6	line above our credit line about 300,000. We had	6	BY MR. LEVINE:
7	what we called a 30-day float at the time. And	7	Q Okay.
8	within those 30 days, the vehicle was not paid or	8	A Alex -- Molavi did not respond via
9	that 300,000 was not paid.	9	telephone that day. I actually went to the house the
10	So actually 60 days, Manheim contacted	10	next day.
11	them, let them know pretty much that they were going	11	Q What's Mr. Molavi's first name?
12	to be defaulted and repo'd.	12	A Khazeyer Molavi.
13	Q How do you know Manheim contacted them?	13	Q Does he go by another name?
14	A I was told by Molavi.	14	A I just call him Molavi.
15	Q By who?	15	Q Okay. And what did -- when you met with
16	A Molavi, the owner of Baltimore-Washington.	16	Alex Mahdavi, what did he say to you?
17	Q Okay. And when was that?	17	A He basically had his hands in the air. He
18	A That Tuesday morning. Actually Wednesday.	18	acted like he didn't know what was going on.
19	Q When did Manheim contact BWA to inform them	19	Basically said, you know, get in contact with Molavi.
20	of the default?	20	And he provided me at the time I guess about 20 bill
21	A That was Monday night, the 15th of April or	21	of sales, as I was doing my inventory. And then I
22	16th. Then I went there Tuesday morning and	22	guess the additional remaining vehicles, he said he

	25		27
1	did not know where they were.	1	Q You assume?
2	Q Okay. You say he acted like he didn't know	2	A I mean, I'm sure that we have falsified
3	what was going on.	3	titles. I'll say that.
4	A Mm-hmm.	4	Q And how do you know the titles are
5	Q So you didn't believe him?	5	falsified?
6	A Alex ran day-to-day operations, so I	6	A Because we have the originals still in our
7	actually never spoke with Molavi. Maybe occasionally	7	files. The other part was I actually -- and again,
8	I would stop by, Molavi was there, we would shoot the	8	I'm not good with dates, I don't have the dates down,
9	breeze a little bit. But pretty much on the	9	but I actually went to the hearing with the MVA, who
10	business, I dealt with Alex daily.	10	they met with the head of investigations with the
11	Q But my question is, you didn't believe him	11	MVA, who was Mr. Sherman.
12	when he was acting like he didn't know what was going	12	Q When was this?
13	on?	13	A This would have had to be in I would say
14	A Correct. I did not.	14	May, early May. This happened in April.
15	Q Okay. And what information do you have	15	Q And you say it was a hearing?
16	that would show that he did know what was going on,	16	A Yes, a deposition for them as well.
17	other than the fact that his position as the	17	Q Who was deposed?
18	day-to-day -- running the day-to-day operations?	18	A It was Molavi and Alex actually had to
19	A I wouldn't have any -- I didn't have	19	appear. I wasn't allowed to sit in on it, so I don't
20	anything else besides that he was involved in the	20	have any particulars. But when I met them there, I
21	day-to-day actions.	21	talked to Mr. Sherman, and he had basically let us
22	Q Today, do you have any other information	22	know they had produced some titles. They actually
	26		28
1	that would show that he knew what was going on with	1	was supposed to have been cut off from doing that.
2	the -- what you claim is moving the vehicles around?	2	But he wasn't sure at the time how they got activated
3	MR. BRAGDON: I'm just going to object to	3	in the system.
4	the extent that information has been provided	4	Q Okay. So Mr. Sherman is an investigator
5	formally in this case. He's reviewed those	5	for the --
6	submissions as well.	6	A Yes, he's actually the head of
7	A So at this time -- I'm not sure. I don't	7	investigations for the MVA.
8	think -- I don't believe so.	8	Q And that would be the Maryland --
9	BY MR. LEVINE:	9	A Maryland Vehicle Association.
10	Q Okay. So other than the fact that Alex ran	10	MR. BRAGDON: If it helps, I think what
11	the day-to-day operations, you're not aware of any	11	he's referring to is the replevin hearing.
12	facts that would show that he knew about any scheme	12	BY MR. LEVINE:
13	by BW Auto to defraud NextGear?	13	Q And did Mr. Sherman provide documents to
14	MR. BRAGDON: Objection. Same objection as	14	NextGear on that issue of --
15	before.	15	A Not at that time. I don't know if we
16	A I would say yes to that question, that --	16	gathered anything since then, but not at that time,
17	yes, that I -- I definitely think that we have some	17	no. Like I said, I wasn't able to go into the
18	things that show that he was involved in the fraud.	18	hearing.
19	BY MR. LEVINE:	19	Q And was Mr. Sherman deposed, do you know?
20	Q And what are those things?	20	A No, I do not know. When you say
21	A I would assume that we have falsified	21	"deposed" -- I'm sorry. He was the one holding the
22	titles.	22	meetings.

DEPOSITION OF CORPORATE DESIGNEE, DAVID FREEMAN
CONDUCTED ON MONDAY, NOVEMBER 17, 2014

8 (Pages 29 to 32)

<p style="text-align: right;">29</p> <p>1 Q Mr. Sherman held the meeting?</p> <p>2 A Yes.</p> <p>3 Q Was this in court?</p> <p>4 A This was actually at the MVA, at their office.</p> <p>5 Q At the MVA?</p> <p>6 A Yes. Maryland Vehicle Association.</p> <p>7 Q And who at NextGear was involved in the investigation with the MVA?</p> <p>8 A Myself just appeared.</p> <p>9 Q So you worked with Mr. Sherman?</p> <p>10 A On occasion. He'll contact me in reference to different dealers, or I'll contact him as well, if dealers have some issues or some outstanding titles.</p> <p>11 Q Okay. But you communicated directly with Mr. Sherman --</p> <p>12 A Yes, I communicated with --</p> <p>13 Q -- regarding the BW Auto --</p> <p>14 A Yes.</p> <p>15 Q -- title issues?</p> <p>16 A Yes.</p> <p>17 Q And what did Mr. Sherman tell you about the</p>	<p style="text-align: right;">31</p> <p>1 Q Has anyone at NextGear had contact with him about the BW Auto titles?</p> <p>2 A Yes. Yes. I think that Lisa did speak with him momentarily, but I know that she was saying that he did not follow up.</p> <p>3 Q She told you that Mr. Sherman did not follow up with her?</p> <p>4 A With her, yes.</p> <p>5 Q When did she tell you this?</p> <p>6 A I know there was a few emails outstanding. I guess about three weeks ago.</p> <p>7 Q There are emails between NextGear and Mr. Sherman at the MVA?</p> <p>8 A Yes.</p> <p>9 Q And these emails are about possible fraudulent titles procured by BW Auto?</p> <p>10 A Correct.</p> <p>11 Q Has NextGear produced any of these emails in this litigation that you're aware of?</p> <p>12 A I'm not sure, no.</p> <p>13 Q Do these emails still exist?</p> <p>14 A I would assume so.</p>
<p style="text-align: right;">30</p> <p>1 titles that you were questioning?</p> <p>2 A So at the time he had a number of outstanding titles. He was trying to get an idea of what was legal buy or purchase versus what was fraudulent that was outstanding.</p> <p>3 Q Okay. And Mr. Sherman said that some of the titles were fraudulent?</p> <p>4 A Yes.</p> <p>5 Q Did he identify which titles were fraudulent?</p> <p>6 A No, he did not. I provided him a list of what we had on file, a list of our titles.</p> <p>7 Q Have you spoken with Mr. Sherman since this meeting?</p> <p>8 A I have not, no.</p> <p>9 Q Has Mr. Sherman provided any documents to NextGear subsequent to your meeting with him?</p> <p>10 A I do not believe so.</p> <p>11 Q Has Mr. Sherman stated what the results of his investigation were?</p> <p>12 A No. Like I said, I haven't had contact with him.</p>	<p style="text-align: right;">32</p> <p>1 Q Were you copied on these emails?</p> <p>2 A No.</p> <p>3 Q So are these just between Lisa Long and Mr. Sherman at the MVA?</p> <p>4 A I'm not sure who was copied on it.</p> <p>5 Q But that's who was communicating?</p> <p>6 A Yes.</p> <p>7 Q You don't know Mr. Sherman's first name?</p> <p>8 A I do.</p> <p>9 Q And what's his first name?</p> <p>10 A Actually, Sherman Schwartz is his name.</p> <p>11 Q Is that S-C-H-W-A-R-T-Z?</p> <p>12 A Yes.</p> <p>13 Q And what's Mr. Schwartz's phone number?</p> <p>14 A 410-768-7536.</p> <p>15 Q And do you have a business address for Mr. Sherman?</p> <p>16 A I do not. He's at Glen Burnie, the MVA at Glen Burnie. I don't have the address, though.</p> <p>17 Q Do you know his title?</p> <p>18 A Investigations.</p> <p>19 Q (NextGear Exhibit 3 was marked for</p>

<p style="text-align: right;">33</p> <p>1 identification and attached to the deposition 2 transcript.)</p> <p>3 BY MR. LEVINE:</p> <p>4 Q Take a look at that, please. Do you 5 recognize that document?</p> <p>6 A Yes.</p> <p>7 Q Have you seen it before?</p> <p>8 A Yes.</p> <p>9 Q And are all the answers true and correct to 10 the best of your knowledge?</p> <p>11 A Yes.</p> <p>12 Q Did you participate in providing 13 information to respond to the interrogatories?</p> <p>14 A No.</p> <p>15 (NextGear Exhibit 4 was marked for 16 identification and attached to the deposition 17 transcript.)</p> <p>18 BY MR. LEVINE:</p> <p>19 Q Take a moment and review that document, 20 please, that's been marked as NextGear 4.</p> <p>21 Have you had a chance to review that?</p> <p>22 A Yes.</p>	<p style="text-align: right;">35</p> <p>1 trying to get in contact with Molavi to find out 2 where the vehicles were. As I said, I probably sat 3 in the office with Alex for probably about two or 4 three hours, waiting for a response from Molavi. At 5 that time, I actually left and then I drove down to 6 Molavi's home the next morning.</p> <p>7 Q Okay. When you sat with Alex for two to 8 three hours, what did you guys talk about?</p> <p>9 A How did he get in the situation. At that 10 time, he disclosed that Molavi may have a gambling 11 problem. And he was gathering up my bill of sales at 12 the time.</p> <p>13 Q Okay. And he provided all the bills of 14 sale to you?</p> <p>15 A Well, 20 at the time.</p> <p>16 Q 20?</p> <p>17 A 20.</p> <p>18 Q Did that include the bill of sale for the 19 BMW?</p> <p>20 A No.</p> <p>21 Q What else did Alex tell you when you were 22 with him?</p>
<p style="text-align: right;">34</p> <p>1 Q Okay. Have you seen that document before?</p> <p>2 A Yes.</p> <p>3 Q And are all the responses true and accurate 4 to the best of your knowledge?</p> <p>5 A Yes.</p> <p>6 Q Did you see the documents that NextGear 7 produced in response to those requests for production 8 of documents?</p> <p>9 A Yes.</p> <p>10 Q Are there any additional documents that 11 NextGear needs to produce in response?</p> <p>12 MR. BRAGDON: Objection. You can answer.</p> <p>13 A No.</p> <p>14 BY MR. LEVINE:</p> <p>15 Q So you stated earlier that you had a 16 conversation with Lisa Long, that you informed her 17 that the vehicles were missing, you informed her of 18 the situation?</p> <p>19 A Yes.</p> <p>20 Q And what other conversations did you have 21 with Ms. Long about BW Auto and the --</p> <p>22 A So at that point, we were basically just</p>	<p style="text-align: right;">36</p> <p>1 A That was pretty much it.</p> <p>2 Q Did you ask him about the BMW during this 3 meeting?</p> <p>4 A Not specifically, no. It was -- like I 5 said, we had, what, 63 units, 13, so we were missing 6 50-something units. So no, I just asked where the 7 majority of the vehicles were.</p> <p>8 Q And what did he tell you?</p> <p>9 A He said, "I don't know, I'll have to speak 10 with Molavi."</p> <p>11 Q Are you aware of any facts as we sit here 12 today that would show that Alex knew where the 13 vehicles were located?</p> <p>14 MR. BRAGDON: Objection. You can answer.</p> <p>15 A Well, we actually located the one at his 16 house so -- that he didn't know where one of the 17 vehicles were.</p> <p>18 BY MR. LEVINE:</p> <p>19 Q But you said that you didn't ask him 20 specifically about the BMW.</p> <p>21 A No, I said vehicles in general. So 22 rephrase the question. If I understand --</p>

DEPOSITION OF CORPORATE DESIGNEE, DAVID FREEMAN

CONDUCTED ON MONDAY, NOVEMBER 17, 2014

10 (Pages 37 to 40)

<p style="text-align: right;">37</p> <p>1 Q Are you aware of any facts that would show 2 that Alex did know where the vehicles were?</p> <p>3 A So the facts that say he did know? So not 4 all of them, but in reference to that 645, like I 5 said, we actually were visiting their homes and prior 6 addresses where we had verified vehicles before. And 7 that's when we discovered the 645 at his house. So 8 he would have known where the vehicle was.</p> <p>9 Q When you say "the 645," you mean --</p> <p>10 A The BMW.</p> <p>11 Q What do you mean when you say you had 12 discovered vehicles at his home before?</p> <p>13 A So I didn't say at his home before. I said 14 we visited every dealership or place where a vehicle 15 had been verified via our audit. So gas stations, 16 prior dealerships. We visited Molavi's home and his 17 home. That's when we discovered the BMW at his 18 house. So we visited the dealer's home. Anybody 19 involved in that dealership, we actually visited 20 their place of residence.</p> <p>21 Q And that is just in relation to the current 22 loan default by BW Auto?</p>	<p style="text-align: right;">39</p> <p>1 That's when we had someone else go by to verify.</p> <p>2 Q And what were the other two vehicles 3 besides the BMW?</p> <p>4 A If I can remember correctly, there was a 5 truck that was receivable. It was a pickup truck and 6 an Expedition.</p> <p>7 Q Were either of those vehicles what you 8 would consider to be NextGear's vehicles?</p> <p>9 A That's what I said, we didn't get a chance 10 to verify, there were some people out or something 11 like that, so he did not stop to verify the VIN 12 number at that time.</p> <p>13 Q And today do you know whether those other 14 two vehicles are considered NextGear vehicles?</p> <p>15 A No, we never confirmed that, no.</p> <p>16 Q So they've not been repossessed?</p> <p>17 A No. They're still missing.</p> <p>18 Q How many vehicles has NextGear recovered of 19 the ones that were missing in this situation?</p> <p>20 A So at the time, we collected 13 vehicles.</p> <p>21 Since the initial 13, I want to say three more.</p> <p>22 Q The 13 that were initially recovered, where</p>
<p style="text-align: right;">38</p> <p>1 A Correct.</p> <p>2 Q Not on prior occasions?</p> <p>3 A No. Not on prior occasions.</p> <p>4 Q So this was the first time that NextGear 5 had gone to Alex's house?</p> <p>6 A Correct.</p> <p>7 Q Okay. And at the time -- who went to 8 Alex's house?</p> <p>9 A Actually, I had gone there the day before, 10 a couple of days. He and Molavi live like a block 11 from one another. So actually that night we 12 discovered, he had I think John Goodyear, who is one 13 of our collectors, was in town helping, and he 14 actually went by the home and located that vehicle.</p> <p>15 Q And this is April of 2014?</p> <p>16 A Correct.</p> <p>17 Q And did you talk to Mr. Goodyear about what 18 he saw when he went to the home?</p> <p>19 A Basically that -- it was like, if I 20 remember correctly, it was probably three vehicles 21 that were there, that we thought were ours, but he 22 didn't get a chance to verify the VIN numbers.</p>	<p style="text-align: right;">40</p> <p>1 were they recovered from?</p> <p>2 A From the lot, from Baltimore Washington's 3 lot.</p> <p>4 Q And you've recovered three more?</p> <p>5 A Three more since then, yes.</p> <p>6 Q And which vehicles are those?</p> <p>7 A No idea.</p> <p>8 Q And where were they recovered?</p> <p>9 A He actually brought a couple of them back 10 to the lot for us to pick up.</p> <p>11 Q Who did?</p> <p>12 A I'm assuming Molavi. I'm not sure who had 13 them brought back.</p> <p>14 Q Okay. So he assisted in NextGear 15 recovering the vehicles?</p> <p>16 A Yes.</p> <p>17 Q Other than the BMW, were any other vehicles 18 repossessed at somebody's home?</p> <p>19 A No. No other vehicles were located.</p> <p>20 Q No other vehicles were located?</p> <p>21 A No.</p> <p>22 Q Okay. And the BMW at Mrs. Mahdavi's home,</p>

<p>1 at the time it was taken, was it parked in the 2 driveway?</p> <p>3 A I'm assuming so. I wasn't there.</p> <p>4 Q It wasn't concealed in any way?</p> <p>5 A No.</p> <p>6 Q It was out in the open?</p> <p>7 A Yes.</p> <p>8 Q But on her property?</p> <p>9 A Yes.</p> <p>10 Q Did Mr. Mahdavi provide any assistance in 11 recovering any of the vehicles?</p> <p>12 A No.</p> <p>13 Q Are you aware of any steps that Mr. Mahdavi 14 took to conceal the location of the vehicles?</p> <p>15 A No.</p> <p>16 Q Was anyone at NextGear aware of any steps 17 Mr. Mahdavi took to conceal the location of any of 18 the vehicles?</p> <p>19 A Not that I'm aware of.</p> <p>20 Q Are you aware of what Mr. Mahdavi's 21 specific role would have been in obtaining what you 22 called fraudulent titles?</p>	<p>41</p> <p>1 Q I'm going to ask you about Mrs. Mahdavi's 2 purchase of the BMW.</p> <p>3 A Okay.</p> <p>4 Q And tell me what you know about her 5 purchase of the BMW.</p> <p>6 A So we were not made aware that the vehicle 7 was supposed to have been purchased until after it 8 was repossessed. Again, I spoke with Mahdavi during 9 the time of the default.</p> <p>10 And he never made mention of that 645 being 11 purchased or the location of it. Once the vehicle 12 was repossessed and we were made aware that it was 13 supposed to have been purchased, a couple of things 14 that we had noticed on the bill of sale, it was 15 actually purchased by Ms. Mahdavi prior to it being 16 floor planned, meaning before we actually did the 17 financing for it, which, again, is illegal.</p> <p>18 I guess the second part of that, once we 19 saw the registration, it was actually registered to 20 not their address, but a wholesale office that he had 21 had in the past.</p> <p>22 Q Who is "he"?</p>
<p>42</p> <p>1 MR. BRAGDON: Objection to form. You can 2 answer.</p> <p>3 A He was in charge of financing. So to 4 process a loan, pretty much he did all the paperwork.</p> <p>5 BY MR. LEVINE:</p> <p>6 Q Okay.</p> <p>7 A So I would assume that he was the one who 8 was actually pulling those titles. He would actually 9 pull them through the system.</p> <p>10 Q Okay. But you don't actually know, you 11 don't have any facts?</p> <p>12 MR. BRAGDON: Objection. He just provided 13 some facts.</p> <p>14 BY MR. LEVINE:</p> <p>15 Q Other than his position, are you aware of 16 his direct involvement in obtaining fraudulent car 17 titles?</p> <p>18 A No.</p> <p>19 Q Is anyone at NextGear aware of 20 Mr. Mahdavi's direct involvement in obtaining 21 fraudulent car titles?</p> <p>22 A Not that I'm aware of.</p>	<p>42</p> <p>1 A Mr. Mahdavi. It was actually under her 2 name. I want to say it was in Temple Hills, but I 3 don't have the exact address. Basically their 4 residence address was not used on the bill of sale.</p> <p>5 Q And what did that tell you?</p> <p>6 A That there was something being concealed.</p> <p>7 Q When did you learn of this?</p> <p>8 A After the car had been picked up, once they 9 disclosed that they had purchased the vehicle. So 10 this was provided I'm assuming by them, by 11 Mr. Mahdavi. They forwarded us I think the bill of 12 sale.</p> <p>13 Q What did NextGear do independently prior to 14 repossessing the BMW to determine whether it had been 15 transferred to Mrs. Mahdavi?</p> <p>16 MR. BRAGDON: Objection. You can answer.</p> <p>17 A Like I said, we weren't aware of any 18 vehicles. So when we take our receivable list, I had 19 marked off what was supposed to have been sold. 20 Anything on that inventory list, we can pick up, we 21 have UCC to those vehicles.</p> <p>22 BY MR. LEVINE:</p>

<p>1 Q So the BMW was on your inventory list?</p> <p>2 A Correct.</p> <p>3 Q And other than looking at the inventory</p> <p>4 list, did you do anything to determine whether any of</p> <p>5 the vehicles had been sold?</p> <p>6 A No.</p> <p>7 Q Do you know whether anyone at NextGear did</p> <p>8 anything to see whether any of the vehicles on the</p> <p>9 inventory list had been sold?</p> <p>10 A Well, I guess when you say had they been</p> <p>11 sold, again, I spoke with Mr. -- with Alex for two</p> <p>12 hours. He provided me 20 bill of sales at that time.</p> <p>13 So that was not disclosed at that time. So if it was</p> <p>14 sold at that time, it actually was sold I want to say</p> <p>15 in March, early March. So it wasn't disclosed to us</p> <p>16 at that time that it was sold.</p> <p>17 Q Did you provide Alex with a list of cars --</p> <p>18 A Yes. Yes.</p> <p>19 Q And the BMW was on the list of receivables?</p> <p>20 A Yes.</p> <p>21 Q And so you asked him to get bills of sale</p> <p>22 for the BMW?</p>	<p>45</p> <p>1 A Yes.</p> <p>2 Q And when did you become the account</p> <p>3 executive for them?</p> <p>4 A I've been dealing with them since 2008, I</p> <p>5 want to say.</p> <p>6 Q Okay. And other than the recent issues</p> <p>7 with their default, have there be any other issues</p> <p>8 with BW Auto?</p> <p>9 A No other issues.</p> <p>10 Q And the BW Auto's loan, Mr. Mahdavi is not</p> <p>11 on that loan, is he?</p> <p>12 A No.</p> <p>13 Q Are you aware of what the relationship</p> <p>14 between Mr. Mahdavi and Mr. Molavi is?</p> <p>15 A I do not, no.</p> <p>16 Q Mr. Mahdavi is not an owner of BW Auto, is</p> <p>17 he?</p> <p>18 A He's not on the contract.</p> <p>19 Q When did BW Auto first notify -- excuse me.</p> <p>20 Strike that. When did NextGear first notify BW Auto</p> <p>21 that it was in default on its loan?</p> <p>22 A So that day, I guess the 16th or 17th,</p>
<p>1 A I asked him to get whatever was sold. So</p> <p>2 any vehicle, out of the 63 units, provide us with a</p> <p>3 bill of sale that whatever you have sold. So go</p> <p>4 through your records, give us a bill of sale on</p> <p>5 whatever you have sold at that time.</p> <p>6 Q Okay.</p> <p>7 A So it was not disclosed at that time.</p> <p>8 Again, it was not disclosed until after the car was</p> <p>9 repossessed.</p> <p>10 Q I understand that. My question is, without</p> <p>11 it being disclosed, is there any way NextGear could</p> <p>12 have known independently?</p> <p>13 A No, there's no way.</p> <p>14 Q You can't check the MVA records on your</p> <p>15 own?</p> <p>16 A We don't have access to MVA records.</p> <p>17 Again, that's when usually Sherman, he'll contact us</p> <p>18 if there's a problem. If he gets an MVA complaint,</p> <p>19 it usually comes from a customer, is how he knows</p> <p>20 there's trouble.</p> <p>21 Q Were you the account executive for BW</p> <p>22 Auto's loan with NextGear?</p>	<p>46</p> <p>1 A whatever that Tuesday was.</p> <p>2 Q Of April 2014?</p> <p>3 A Yes. So whenever -- whenever I was there</p> <p>4 and there was only 13 vehicles on the lot, it was</p> <p>5 either "Hey, where are our cars," or "You need to pay</p> <p>6 us." So at the time, Mr. Molavi said he didn't know</p> <p>7 where the cars were, he sold them all, he hid them,</p> <p>8 whatever he did. He said that --</p> <p>9 Q I'm sorry. Mr. Molavi or Mr. Mahdavi said</p> <p>10 that?</p> <p>11 A Mr. Molavi. When I visited him at his</p> <p>12 house, he would not disclose where the vehicles were.</p> <p>13 Q Okay.</p> <p>14 A But he just asked for 30 days, and he would</p> <p>15 try to make everything whole.</p> <p>16 Q Okay. And what did Mr. Molavi tell you</p> <p>17 when you visited him at his house?</p> <p>18 A In reference to?</p> <p>19 Q The loan.</p> <p>20 A Again, he just basically said he needed</p> <p>21 some time, "Dave, can I get some time, about 30</p> <p>22 days."</p>

	49		51
1	Q Did he say that he concealed the vehicles?	1	weekend?
2	A He said he would not tell me where they were.	2	A No.
3	Q Okay. Did he --	3	Q Did you go to the lot on Monday?
4	A He said he did have the vehicles moved, yes.	4	A No.
5	Q Mr. Molavi said he had them moved?	5	Q You went to the lot on Tuesday?
6	A He said he had the vehicles moved, but he would not disclose where they were.	6	A Tuesday.
7	Q Okay. Did he tell you who helped move them?	7	Q And the lot was completely empty on
8	A No.	8	Tuesday?
9	Q Did he say that Mr. Mahdavi helped him?	9	A It had 13 vehicles.
10	A He didn't say anyone helped him. But I do know Mr. Mahdavi was there the night they got moved, because I just spoke with him on the phone.	10	Q Only 13?
11	Q Where is "there"?	11	A Yes.
12	A So I called the office, and I was actually on the phone with Alex that evening.	12	Q And how many vehicles were on the lot the
13	Q You called -- he was at BW Auto?	13	Friday before?
14	A Yes. I talked to him on the phone at BW Auto.	14	A I would say 65, 70, 70 vehicles.
15		15	Q Okay. And what conversation was with
16		16	Manheim on Monday?
17		17	A So that's when I guess they were trying to collect on the 300,000 that they were defaulted on.
18		18	Q Okay. Who communicated with BW Auto, who
19		19	from Manheim communicated with BW Auto?
20		20	A I don't have his name. Let me see if I have that here. Yeah, I don't have his name.
	50		52
1	Q And you say the night that they were moved?	1	Q How do you know that Manheim communicated
2	A So I got there Tuesday morning.	2	with BW Auto?
3	Q Yes.	3	A When I got to Molavi's home, he had indicated that he was on the phone, that he had spoke with Manheim.
4	A And that's where the cars -- I'm assuming they were moved that night, between that evening and that morning.	6	Q Okay. What did Mr. Molavi tell you about
5		7	his communication with Manheim?
6	Q Okay. Why do you assume that?	8	A He was a little bit upset and frustrated with Manheim. His exact words were "After 20 years
7	A Because I go by there all the time, so the lot was full.	9	of doing business with them, they basically threatened me."
8	Q On what day?	10	Q Did he tell you who he was speaking with at
9	A That Friday, as a matter of fact.	11	Manheim?
10	Q Okay. And then on what day were they moved?	12	A He did. Again, I can't recall name.
11	A So between Monday and Tuesday morning.	13	Q Okay. And so Manheim had its own loan to
12	Like I said, the conversation with Manheim took place on Monday evening.	14	BW Auto?
13	Q So I'm sorry, you had been by the lot the Friday before?	15	A Correct.
14	A Yes.	16	Q And it had its own collateral?
15	Q And the lot was full?	17	A Correct. The cars would be considered the collateral.
16	A Yes.	18	Q Okay. And is there overlap between the
17	Q And then did you go to the lot over the	19	cars, the collateral that's Manheim's collateral and

	53		55
1	that's NextGear's collateral?	1	A In Manheim, Pennsylvania.
2	A Is there overlap? No.	2	Q Manheim, Pennsylvania. And when did the
3	Q They're all different cars?	3	title arrive at NextGear?
4	A Yes.	4	A So usually we get the title a day or two
5	Q Manheim's cars are Manheim's cars?	5	after the car is purchased. They overnight the
6	A Correct.	6	titles to us, to our headquarters.
7	Q And your cars are NextGear's cars?	7	Q And did that happen in this case?
8	A Correct.	8	A Yes.
9	Q Okay. And the BMW was not Manheim's car?	9	Q How do you know that?
10	A No. It's on our receivable. You should	10	A Because we have the title on file.
11	have actually got a copy of the receivable.	11	Q Who has the title now?
12	Q Now, how did NextGear come to possess the	12	A We still have our title that was sent from
13	title to the BMW?	13	the auction.
14	A So any time the vehicle is purchased from	14	Q And who has it?
15	the auction, the title actually comes directly to	15	A It's in our -- like I said, we have a title
16	NextGear. So we actually have a title center in	16	vault, so it's kept in the title vault.
17	Indiana. So once they make a purchase, they let them	17	Q And that's in Indiana?
18	know, I'm going to forward this with my NextGear	18	A That's in Indiana.
19	account. The auction will send that to us. We pay	19	Q Now, you're aware -- or are you aware that
20	the auction and they forward us the titles.	20	Mrs. Mahdavi took out a loan to purchase the BMW?
21	Q So who was involved in the transaction for	21	A Yes. After the car was repossessed and
22	the purchase of the BMW at auction?	22	this came about, yes.
	54		56
1	A I mean -- I'm not sure of your question.	1	Q It's your understanding that she took out
2	Rephrase that, please.	2	the loan after the car was repossessed?
3	Q Well, somebody had to be at the auction to	3	A No, no, no. I'm saying I was made aware
4	purchase the BMW, correct?	4	after the car was repossessed that she had a loan
5	A So you're saying who actually purchased it,	5	out.
6	as far as from Baltimore-Washington?	6	Q And have you been made aware that she took
7	Q Yes.	7	out the loan prior to the car being repossessed?
8	A I'm assuming Molavi or Alex, whoever has	8	A Yes.
9	access to his account.	9	Q Okay. And that loan is with Pentagon
10	Q Okay. But you don't know specifically?	10	Federal Credit Union?
11	A No.	11	A Yes.
12	Q And do you know what date the BMW was	12	Q And are you aware of any facts that would
13	purchased at auction?	13	show that that loan was not a legitimate loan?
14	A We should have provided that information.	14	MR. BRAGDON: Objection. Can I get a
15	It has exact dates on there.	15	continuing objection on these "any facts" questions?
16	Q Okay. But you don't have an independent	16	He's not going to know counsel's trial strategy in
17	recollection?	17	this case. I'll just make the objection over again.
18	A No. 400 cars a day.	18	MR. LEVINE: I mean, you can make the
19	Q And the auction where the BMW was purchased	19	objection.
20	was at Manheim?	20	MR. BRAGDON: Okay. To the extent you're
21	A Correct. Manheim, Pennsylvania.	21	asking him to summarize what facts will be used
22	Q Where in Pennsylvania is that?	22	specifically at trial, he will not have that

57 <p>1 knowledge. 2 MR. LEVINE: I'm pretty sure that's not my 3 question. I'm just trying to establish what facts he 4 knows. He's here as NextGear's representative, so... 5 A I mean, I will say once I saw the paperwork 6 and after it was done, a couple of things I mentioned 7 already that we noticed. It was made prior to the 8 unit being floored. 9 So he had actually already purchased it 10 before we even put it on our floor plan, which again, 11 is falsifying, because one of the stipulations, the 12 vehicle cannot be sold. You have to pay the vehicle 13 off 48 hours after it's sold. Any time you buy a 14 vehicle from us, you sell it, it needs to be paid off 15 within 48 hours. 16 I just want to make sure that's clear. And 17 then -- so like I said, the dates showed that she had 18 actually purchased the vehicle before it having been 19 purchased by us. Secondly, once we verified, once I 20 saw a copy of the address, again, I noticed that 21 wasn't the residence that was listed on the bill of 22 sale in the title work.</p>	59 <p>1 MR. MARKELS: Same objection. 2 A I wouldn't know any other way to do it, 3 sir. 4 BY MR. LEVINE: 5 Q Is it part of your duties and 6 responsibilities to obtain titles for vehicles? 7 A No. 8 Q How about released titles for vehicles? 9 A I can have them released. I'll take that 10 back. I mean, if I have to follow up on a title, we 11 didn't get it, I may give the auction a call or 12 something like that. 13 Q But have you ever as part of your duties 14 and responsibilities for NextGear obtained a title to 15 a vehicle? 16 A No. 17 Q Tell me how NextGear knows that 18 Mrs. Mahdavi had any knowledge of what BW Auto may 19 have been doing with respect to these titles. 20 MR. BRAGDON: Objection to form. You can 21 answer. 22 A I would not know.</p>
58 <p>1 So again, we had the original title. So we 2 knew it had to be a duplicate title even to be sent 3 to the funding company, PG, Pentagon Funding or what 4 have you. 5 BY MR. LEVINE: 6 Q So how do you know it had to be a duplicate 7 title? 8 A Because we still have the original title. 9 Q Is it possible that a new title could be 10 issued without the first title being... 11 A Well, the way -- 12 MR. MARKELS: I'm going to object on 13 speculation. Go ahead. 14 A The way it's supposed to work, you're 15 supposed to -- you should pay the vehicle off, and we 16 forward you the title, and then you get your title 17 work done. So we still have our title on file, 18 meaning, so yeah, if they have a duplicate title, it 19 was done under fraudulent circumstances. 20 BY MR. LEVINE: 21 Q Is that the only way to obtain a duplicate 22 title, is through fraudulent circumstances?</p>	60 <p>1 BY MR. LEVINE: 2 Q Does NextGear have any information to 3 indicate that Mrs. Mahdavi had knowledge of what BW 4 Auto may have been doing? 5 MR. BRAGDON: Objection. You can answer. 6 A I would not know. 7 BY MR. LEVINE: 8 Q Did you investigate whether she had any 9 direct involvement in what you're calling a 10 fraudulent scheme? 11 A I have not myself, no. 12 Q Would anyone else at NextGear possess that 13 information? 14 MR. BRAGDON: Objection. Besides the 15 attorneys? 16 A I wouldn't know. I'm not sure of the 17 grounds they have been pursuing after this has come 18 to fruition, so I'm unaware. 19 BY MR. LEVINE: 20 Q Would Lisa Long be involved in trying to 21 determine whether Mrs. Mahdavi has direct knowledge 22 of --</p>

<p>1 A No. I mean, again, this was -- our 2 attorneys are dealing with this now. 3 Q So only your attorneys? 4 A Yes. 5 Q Okay. Are you familiar with how much 6 Mrs. Mahdavi paid for the BMW? 7 A I don't recall. I did see the bill of 8 sale, but I don't recall. 9 Q Do you recall whether that price was a fair 10 market value for the car? 11 A I would say yes. 12 Q And are you aware that she put a down 13 payment down on the vehicle? 14 A Yes, I think so. I think it was on the 15 bill of sale. 16 Q Do you know whether Mrs. Mahdavi has ever 17 bought any other cars from BW Auto? 18 A No. I would not be aware of that. 19 Q I'm going to skip ahead. This has been 20 marked as NextGear Exhibit 8. 21 (NextGear Exhibit 8 was marked for 22 identification and attached to the deposition</p>	<p>61</p> <p>1 A Yes. 2 Q Who signed it on behalf of NextGear? 3 A Brian Geitner. 4 Q Who is Brian Geitner? 5 A He's our CEO. 6 Q And you mentioned before that the BMW was 7 sold before NextGear financed it? 8 A Correct. 9 Q Okay. And you said that that's against the 10 contract? 11 A Correct. 12 Q Okay. And where in the contract does it 13 reference that? 14 MR. BRAGDON: Objection to the extent that 15 you're asking him to interpret a legal document. 16 A If you go to page 2 of 12, it will be G. 17 BY MR. LEVINE: 18 Q 2 of 12, G. "To hold all amounts received 19 that relate to any receivable that is subject to a 20 recoverable advance in the form as received in trust 21 for the sole benefit of and for lender, and to remit 22 such funds satisfying all amounts due lender and</p>
<p>62</p> <p>1 transcript.) 2 BY MR. LEVINE: 3 Q Take a minute to review this. 4 A I'm familiar with it. 5 Q Okay. Can you identify this document, 6 please? 7 A This is our demand and promissory note. 8 Q Okay. 9 A For NextGear. 10 Q And does this evidence NextGear's loan to 11 BW Auto? 12 A Yes. 13 Q Were you involved in the negotiating of 14 this contract? 15 A Yes. 16 Q Were you involved at all in drafting the 17 contract? 18 A No. 19 Q Is this a standard contract for NextGear? 20 A Yes. 21 Q And Mr. Molavi signed this on behalf of BW 22 Auto?</p>	<p>64</p> <p>1 owing by borrower for and in connection with such 2 receivable, in each case within 24 hours of 3 borrower's receipt of such funds or receipt of such 4 funds by any affiliate of borrower." 5 MR. MARKELS: You meant to say 6 "receivable" -- the document reflects "receivable 7 advance." 8 MR. LEVINE: Yes, sorry. 9 BY MR. LEVINE: 10 Q So BW is required to turn over the funds 11 that it receives for the purchase? 12 A Correct. 13 Q Okay. Is it required to obtain NextGear's 14 authorization before it gives the buyer possession of 15 the vehicle? 16 A Rephrase that. Say that one more time. 17 I'm sorry. 18 Q Does NextGear require that BW Auto obtain 19 NextGear's permission before it would give the buyer 20 possession of the vehicle? 21 MR. BRAGDON: Objection to form. You can 22 answer.</p>

<p>65</p> <p>1 A No. Under our contract, like it said, you 2 have to pay. You have a certain amount of time to 3 pay us once you sell the vehicle.</p> <p>4 BY MR. LEVINE:</p> <p>5 Q So the contract allows them to sell the</p> <p>6 vehicle?</p> <p>7 A Yes.</p> <p>8 Q BW Auto just has to give the money to</p> <p>9 NextGear?</p> <p>10 A Correct.</p> <p>11 Q Okay. So in essence, you're entrusting BW</p> <p>12 with the vehicle, that they're going to provide the</p> <p>13 money to NextGear?</p> <p>14 MR. BRAGDON: Objection to form. You can</p> <p>15 answer.</p> <p>16 A Correct.</p> <p>17 BY MR. LEVINE:</p> <p>18 Q I'm sorry, your response was...</p> <p>19 A Correct.</p> <p>20 (NextGear Exhibit 10 was marked for 21 identification and attached to the deposition 22 transcript.)</p>	<p>67</p> <p>1 Q Okay. So as it relates to this BMW, it's</p> <p>2 as inventory?</p> <p>3 A Correct.</p> <p>4 Q Okay. And when was this security interest</p> <p>5 perfected?</p> <p>6 MR. BRAGDON: Objection. You can answer.</p> <p>7 A It should be in -- it should be already 8 provided to you.</p> <p>9 BY MR. LEVINE:</p> <p>10 Q When did you first learn that NextGear had</p> <p>11 financed the purchase of the BMW?</p> <p>12 A I guess once they filed suit against PAR. 13 When they first filed against PAR.</p> <p>14 Q When who filed suit?</p> <p>15 A I guess Ms. Mahdavi.</p> <p>16 Q When Mrs. Mahdavi filed suit in this case?</p> <p>17 A Yes.</p> <p>18 Q That was the first time that you became</p> <p>19 aware that NextGear had financed the BMW?</p> <p>20 A No, no, no. I'm sorry. What's your 21 question again? I'm sorry.</p> <p>22 Q When did you first become aware that</p>
<p>66</p> <p>1 BY MR. LEVINE:</p> <p>2 Q I hand you what's been marked as NextGear</p> <p>3 10. Take a moment to review this document, please.</p> <p>4 A Okay.</p> <p>5 Q All right. I'm going to follow up on that,</p> <p>6 but let me turn back to the contract and NextGear's</p> <p>7 interest in the BMW before I get too far off that</p> <p>8 subject. Now, how does NextGear establish that it</p> <p>9 has a security interest in this BMW?</p> <p>10 MR. BRAGDON: Objection to form. You can</p> <p>11 answer.</p> <p>12 A So when you sign your contract, we file a 13 UCC, a Uniform Commercial Code, which gives us 14 interest in the property and all the assets.</p> <p>15 BY MR. LEVINE:</p> <p>16 Q And NextGear's UCC for this BMW, was one</p> <p>17 filed for this BMW specifically?</p> <p>18 A No. General. General filing.</p> <p>19 Q Okay.</p> <p>20 A So any inventory that's filed with us or 21 floored on our floor plan, we automatically have an 22 interest, because of the interest filing.</p>	<p>68</p> <p>1 NextGear had financed the BMW?</p> <p>2 A As soon as it was floored. Whatever day it 3 was floored.</p> <p>4 Q Okay. And how did you become aware?</p> <p>5 A I have a receivable for every dealer so it 6 shows a list of the vehicles that we funded for them.</p> <p>7 Q Okay. And do you know what day that is?</p> <p>8 A I do not.</p> <p>9 Q And has the list of receivables been</p> <p>10 submitted?</p> <p>11 A Yes.</p> <p>12 Q And what's the process by which BW would</p> <p>13 submit, what is it, an authorization to finance the</p> <p>14 purchase?</p> <p>15 A So yes, they have to provide -- whatever 16 vehicles they would like floored, they let Manheim 17 know whatever vehicle they would like floored, they 18 would make the flooring clerk aware.</p> <p>19 Q So they don't go to NextGear?</p> <p>20 A No. We can't -- they don't contact us.</p> <p>21 They actually have to contact the auction.</p> <p>22 Q Okay. Why don't they contact NextGear?</p>

<p>69</p> <p>1 A We can't give someone authorization to put 2 something on their floor plan. They have to do it 3 themselves with the auction, how they're going to 4 pay, they make the auction aware of how they're going 5 to pay for the vehicle.</p> <p>6 Q Why can't you do that?</p> <p>7 A Because that would tell every one of my 8 dealers, hey, floor that vehicle with NextGear.</p> <p>9 Q Is there something illegal about that?</p> <p>10 A No. I mean, it would be illegal. It would 11 be a conflict of interest.</p> <p>12 Q Okay. So then Manheim notifies NextGear 13 about BW's request?</p> <p>14 A So once they're made aware, they can do it 15 right through the system. They have an internal 16 portal and they go right in and floor those vehicles.</p> <p>17 Q Okay. So Manheim would have records of 18 when BW made the request to floor the vehicle?</p> <p>19 A Yes. They should.</p> <p>20 Q And have you reviewed Manheim's records on 21 the flooring of the BMW?</p> <p>22 A No.</p>	<p>1 A So there was no contact with Manheim at 2 that time. It was -- the auction that I had it 3 forwarded to, Baltimore-Washington, I just let them 4 know the vehicle was coming.</p> <p>5 Q This was after it was repossessed?</p> <p>6 A Correct.</p> <p>7 Q You contacted with Manheim?</p> <p>8 A Baltimore-Washington.</p> <p>9 Q And is that in Elkridge?</p> <p>10 A Yes, that's the one in Elkridge.</p> <p>11 Q And when did you do that?</p> <p>12 A The day I guess before it was delivered.</p> <p>13 Q So on or about May 20th, 2014?</p> <p>14 A We have the dates in there. It's 15 consistent with whatever the dates are in the 16 paperwork.</p> <p>17 Q So you were aware that the BMW was on your 18 receivable list when you went and you met with Alex 19 Mahdavi on or about April 15th or 16th?</p> <p>20 A Correct.</p> <p>21 Q And the vehicle was repossessed on about 22 May 20th?</p>
<p>70</p> <p>1 Q Has anyone at NextGear reviewed Manheim's 2 records on the flooring of the BMW?</p> <p>3 A I'm not aware of that.</p> <p>4 Q Did you do anything to determine whether 5 NextGear reviewed Manheim's records on the flooring 6 of the vehicle?</p> <p>7 A No.</p> <p>8 MR. BRAGDON: Objection. You can answer.</p> <p>9 A No.</p> <p>10 BY MR. LEVINE:</p> <p>11 Q What communication has NextGear had with 12 Manheim about the BMW?</p> <p>13 A Since? Since...</p> <p>14 Q Any communication.</p> <p>15 A There are two different Manheims. I'm not 16 sure what you're asking me.</p> <p>17 Q Why don't you help me understand. I'm not 18 clear on the difference between the Manheims.</p> <p>19 A Are you talking about before it was 20 repossessed?</p> <p>21 Q Starting with before it was repossessed, 22 yes.</p>	<p>72</p> <p>1 A If that is what we have, then that would be 2 the date.</p> <p>3 Q Okay. When did NextGear or anyone working 4 on behalf of NextGear first locate the BMW?</p> <p>5 A So whatever date that we had that was 6 picked up, we would have located it the day before.</p> <p>7 Q And so it was just located the day before 8 it was picked up?</p> <p>9 A Yes.</p> <p>10 Q And --</p> <p>11 A So once we had it located, we had a couple 12 of vehicles there, I contacted my repo team and let 13 them know, "Hey, if you could go by this address this 14 evening." And they had a copy of the receivable list 15 as well, to see what vehicles they could locate 16 there.</p> <p>17 Q Okay. So I want to turn back to NextGear 18 10. Have you had a chance to review that?</p> <p>19 A Mm-hmm.</p> <p>20 Q What is that document?</p> <p>21 A It looks like our collection management 22 report.</p>

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<p>1 Q And on the first page, there's lots of 2 redactions.</p> <p>3 A What are you calling it?</p> <p>4 Q Redactions. The black lines.</p> <p>5 A Okay.</p> <p>6 Q Are you familiar with what would have been 7 in those rows?</p> <p>8 A It just looks like modified by just the 9 names, the initials.</p> <p>10 Q Do you know who put those black marks on 11 that?</p> <p>12 MR. BRAGDON: Objection. I think you have 13 to ask that to me. I think it was done by their 14 attorneys.</p> <p>15 MR. LEVINE: Okay.</p> <p>16 BY MR. LEVINE:</p> <p>17 Q Do you know why these would have been 18 redacted?</p> <p>19 A No.</p> <p>20 MR. BRAGDON: Same objection.</p> <p>21 MR. LEVINE: So there's a privilege here?</p> <p>22 MR. BRAGDON: The redacted ones, I think --</p>	<p>1 MR. BRAGDON: To the extent we haven't 2 produced an unredacted version, yes.</p> <p>3 BY MR. LEVINE:</p> <p>4 Q So hopefully you've got better eyes than I 5 do, because I have a real hard time looking at these 6 documents. So what are these notes?</p> <p>7 A These are our attempt to collect, where we 8 tracked what was done.</p> <p>9 Q Okay. And do you have access to this? Is 10 this on a computer system?</p> <p>11 A Yes.</p> <p>12 Q Okay. Does the computer system have a 13 name?</p> <p>14 A The screen that it comes from is collection 15 management.</p> <p>16 Q So you have access to this?</p> <p>17 A Yes.</p> <p>18 Q Who else has access to this?</p> <p>19 A So any superior, so myself, my direct 20 supervisor Lisa, and any higher-ups on up the chain.</p> <p>21 Q Anyone...</p> <p>22 A Anybody involved in collections would have</p>
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1 A I can't even think of it. Come back to me 2 on that. I can't recall at this second. 3 Q On the second page, page 2 of 7, it says 4 "Modified by Lisa Long." 5 A Mm-hmm. 6 Q Okay? Is this whole page a record from one 7 day? 8 A Yes. 9 Q And Lisa Long is the one who made this 10 comment? 11 A Correct. 12 Q Okay. So it says, first line, "5/21, LL, 13 recap of my visit, trying to locate inventory and 14 gather information"? 15 A Mm-hmm. 16 Q So is "LL" Lisa Long? 17 A Correct. 18 Q Okay. And so Lisa -- where does she work? 19 A She is from Ohio. So she actually flew in. 20 Q She flew in from Ohio? Where in Ohio? 21 A I don't know. 22 Q Does NextGear have an office there?	77 1 years back. So we just got some information out of 2 there. 3 Q Okay. So it was just another location to 4 try to locate -- 5 A To locate inventory, yes. 6 Q Inventory. Okay. And who is Emile? 7 A Emile would be Molavi. 8 Q Khazeyer Molavi? 9 A Mm-hmm. 10 Q So still on the page on 2 of 7, it's NG 11 000005, where it starts talking about Prestige 12 Imports. 13 A Mm-hmm. 14 Q Did you visit Prestige Imports? 15 A Yes. 16 Q So you were with Lisa and you both went to 17 Prestige Imports? 18 A Yes. 19 Q So tell me about what happened there. 20 A Basically we went to Prestige. He was at 21 one of the -- again, so just to backtrack and 22 explain, every 30 days, our dealers get audited.
78 1 A No. It's her physical address, her home. 2 Q Does she work out of her home? 3 A Yes. 4 Q Okay. So she flew in to Maryland? 5 A Correct. 6 Q All right. And -- or I guess she went to 7 try to locate vehicles on her own? 8 A Yes. 9 Q Did you go with her? 10 A Yes. 11 Q So you were with her on 5/21? 12 A Yes. 13 Q Okay. Now, it says in the middle, it says 14 "Alex's dad house, 906 Westwood, Vienna." 15 A Yes. 16 Q Who is Alex's dad? 17 A I'm not sure of his name. 18 Q Okay. Does Alex's dad have anything to do 19 with BW Auto? 20 A Not that we're aware of. It's one of the 21 places we had a location, under -- I think Alex had 22 an account with us as well, that had defaulted some	80 1 During that audit, we verify what's sold and what's 2 still there. So we collect bill of sales at that 3 time. If there's a car at a shop or anywhere else, 4 they give that address. 5 So what happens is whatever address we have 6 in our system from that audit, evidently Emile had 7 vehicles or Molavi had vehicles from before, and we 8 visited that dealership. That's one of the reasons 9 we went there. 10 Q And what did you learn there? 11 A That he actually had a Maserati there. We 12 verified the VIN number. It was not the Maserati 13 that Manheim was looking for. It was not on our 14 floor plan, but with Manheim, their credit line. 15 Q So you're helping Manheim try to locate 16 their inventory? 17 A Yes. If anything, we were aware of what 18 they were looking for as well, so yes. 19 Q So this was not a NextGear collateral? 20 A No. We were just trying to see if our 21 inventory -- any inventory we could find is what we 22 were looking for.

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<p>1 Q Who is Omid?</p> <p>2 A Omid is the owner there.</p> <p>3 Q What did Omid tell you about what BW Auto</p> <p>4 was doing with the vehicles?</p> <p>5 A He is -- basically was not aware. He said</p> <p>6 he would contact Molavi to see what was going on. He</p> <p>7 was a good friend. Molavi had helped him out in the</p> <p>8 business and learning the business, so he would try</p> <p>9 to find out what was going on. But he didn't have</p> <p>10 any information.</p> <p>11 Q Did he ever provide you with any</p> <p>12 information?</p> <p>13 A No.</p> <p>14 Q Did he say anything about Alex?</p> <p>15 A No.</p> <p>16 Q Okay. So was the conversation centered on</p> <p>17 Mr. Molavi?</p> <p>18 A Yes.</p> <p>19 Q Who is Lisa Stevens?</p> <p>20 A Lisa Stevens is one of our collectors as</p> <p>21 well.</p> <p>22 Q Where does she work?</p>	<p>1 well.</p> <p>2 Q Where does he work?</p> <p>3 A Indiana.</p> <p>4 Q And what information would Lisa Stevens</p> <p>5 have about the BMW?</p> <p>6 A She would not have any information that I'm</p> <p>7 aware of.</p> <p>8 Q All right. What information would she have</p> <p>9 about NextGear's trying to collect on BW's loan?</p> <p>10 A So from the comment here, she was basically</p> <p>11 running VIN checks. So we have a system in place</p> <p>12 where we can actually run VINs through the auctions</p> <p>13 to see what's in the auctions. And that's what we</p> <p>14 were doing at that time, to see if there was anything</p> <p>15 we could get a ping on.</p> <p>16 Q And was that done for the BMW?</p> <p>17 A That was done for all the vehicles.</p> <p>18 Q What was learned about the BMW when that</p> <p>19 task was performed?</p> <p>20 A Nothing. It wasn't at the auction, so it</p> <p>21 wouldn't have showed up.</p> <p>22 Q So this is just for if BW was to sell the</p>
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1 Q Do you know if they had a floor plan with 2 anyone else? 3 A No. 4 Q No, you don't know? 5 A No, they did not, that I'm aware of. 6 MR. BRAGDON: Do you want a break? 7 MR. LEVINE: Do you need a break? 8 MR. BRAGDON: Any time you want to take a 9 break, we can. 10 THE WITNESS: How much longer do you have? 11 I could use the restroom. 12 MR. LEVINE: We can take a break. 13 (Recess.) 14 BY MR. LEVINE: 15 Q Who is John Goodyear? 16 A John Goodyear is one of our collectors. 17 Q So he was also involved in trying to 18 collect the -- 19 A Yes. He was -- I'm sorry. Go ahead. 20 Q He was also involved in trying to collect 21 the BW loan? 22 A Correct.	1 as well. He was looking for the three vehicles. I 2 think it's mentioned in here. The Maserati... 3 Q He was looking for Manheim's vehicles? 4 A Correct. 5 Q Do you know whether he located them? 6 A No. 7 Q Was the Maserati Manheim's? 8 A None of their vehicles have been located, 9 that I'm aware of. 10 Q Now, the record references an informant? 11 A We had a few people call stating that they 12 knew where the vehicles were; but nothing ever came 13 about, because we never located them. 14 Q Okay. Do you have the identities of these 15 people? 16 A I do not. 17 Q So -- 18 A Most of them were very vague. 19 Q So the informant was not someone regularly 20 used by NextGear? 21 A No. 22 Q Okay.		
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1 Q And trying to recover the vehicles? 2 A Correct. 3 Q Okay. So was he doing -- did he do any 4 surveillance? 5 A Yes. 6 Q Where does he work? 7 A He works in Indiana. 8 Q He also came-- 9 A Flew in, yes. 10 Q Flew into Maryland? 11 A Yes. 12 Q Did Lisa Stevens fly into Maryland? 13 A No. 14 Q Do you know on what's marked as NG 000008 15 which vehicle VIN numbers are -- of which these 16 numbers would be for the BMW? 17 A No. You can match it up to the receivable. 18 Q Who is Matt Easler? 19 A Matt Easler would be the contact at 20 Manheim. 21 Q What was his involvement in this matter? 22 A So Matt actually came down and rode with us	1 A Guys basically trying to get some money. 2 Q Okay. So how did this person contact 3 NextGear? 4 A Via phone, I would assume. 5 Q Okay. Did he leave his name? 6 A No. That's what I'm saying, most of them 7 were very vague. 8 Q What was -- 9 A I didn't talk to him myself, so... 10 Q Who did? 11 A I'm not sure. 12 Q Would it have been John Goodyear? 13 A He may have. 14 Q So if you turn to NG 000009. Do you know 15 who the task collections incident, who the individual 16 would have been who made the comment? 17 A This is still Lisa, LL. 18 Q All right. So you're seeing where it says 19 "LL after 4/17"? 20 A Mm-hmm. 21 Q So above that, it says "LL 4/16." 22 A Mm-hmm.		

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<p>1 Q For 4/18 there's no initials. Do we know 2 if that's her?</p> <p>3 A No. I'm not sure.</p> <p>4 Q Do you know who Scott Collier is? It's at 5 the bottom of that page. "Criminal invest."</p> <p>6 A Criminal investigator, but I don't know who 7 that is.</p> <p>8 Q Do you know -- it says "criminal invest." 9 Do you know what that means?</p> <p>10 A Criminal investigator.</p> <p>11 Q Is this law enforcement?</p> <p>12 A It could be. Like I said, I don't know who 13 he is.</p> <p>14 Q Okay. And so this was Lisa speaking to 15 that person?</p> <p>16 A There are no initials on there, so I'm not 17 sure who that actually was. I would assume so.</p> <p>18 Q So other than when you went to visit Alex 19 at the dealership, did you have any other 20 communications with Alex about any of these cars?</p> <p>21 A No.</p> <p>22 Q How about Mr. Molavi?</p>	<p>1 Q Who made the decision to repossess the BMW?</p> <p>2 A Both of us. Once we located it, I think 3 the notes say John sold the vehicle on 5/19.</p> <p>4 Q John Goodyear?</p> <p>5 A Yes. So that same day, I contacted my repo 6 team to let them know to go by that address in the 7 evening.</p> <p>8 Q Who is your repo team?</p> <p>9 A PAR Services.</p> <p>10 Q Who did you contact there?</p> <p>11 A Denny.</p> <p>12 Q Denny?</p> <p>13 A Denny Par [sic], yes.</p> <p>14 Q His last name is Par?</p> <p>15 A Mm-hmm.</p> <p>16 Q Is that P-A-R-R?</p> <p>17 A P-A-R.</p> <p>18 Q Just P-A-R?</p> <p>19 A Yes.</p> <p>20 Q Is his last name. Okay. Does he own the 21 company?</p> <p>22 A No. His father.</p>
90	92
<p>1 A I spoke to Mr. Molavi on a daily basis.</p> <p>2 Q Okay. And did he provide any information 3 to you?</p> <p>4 A No. No.</p> <p>5 Q Okay. Did Lisa Long speak with Alex 6 Mahdavi?</p> <p>7 A Not that I'm aware of, no.</p> <p>8 Q Did she speak with Mr. Molavi?</p> <p>9 A Yes.</p> <p>10 Q And when did she speak with him?</p> <p>11 A She was probably communicating with him on 12 a daily basis as well.</p> <p>13 Q You would both speak to him on a daily 14 basis?</p> <p>15 A Yes.</p> <p>16 Q Independently or on a conference call?</p> <p>17 A Independently. If she was in town, then it 18 would be together. But yes.</p> <p>19 Q How many times did she come into town on 20 this matter?</p> <p>21 A Probably about two or three, three times. 22 I'm not sure. Two times.</p>	<p>1 Q Who is his father?</p> <p>2 A Mr. Par.</p> <p>3 Q Got you. Did you speak with anyone else at 4 PAR Services about repossessing the BMW?</p> <p>5 A No.</p> <p>6 Q Did you call Denny?</p> <p>7 A Yes.</p> <p>8 Q And you called him on the 19th of May?</p> <p>9 A Yes. Or the 20th. It would have been that 10 morning.</p> <p>11 Q All right. What did you tell him?</p> <p>12 A Basically that we thought we saw one of our 13 vehicles or a couple of our vehicles at that address, 14 at Mahdavi's address, and to go by there.</p> <p>15 Q Okay. And then what was your next 16 communication with PAR Services about the BMW?</p> <p>17 A Well, there was -- the next day. He got it 18 that night. He let me know that he was able to get 19 the vehicle.</p> <p>20 Q Okay. So after you instructed PAR Services 21 to obtain the vehicle, the next communication was 22 when they -- after they had obtained it?</p>

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1	A Correct.	1	entered the inside of the vehicle?
2	Q Did you provide any information to PAR	2	A Not that I'm aware of.
3	Services about the vehicle besides describing the	3	Q Including the trunk?
4	make and models?	4	A Not that I'm aware of. Like I said, they
5	MR. BRAGDON: Objection to form. You can	5	didn't have keys, so...
6	answer.	6	Q And did you instruct Denny where to take
7	A Yes. So we provided them with the	7	the BMW?
8	receivable which lists all the vehicles that they	8	A Yes.
9	have on their floor plan with the VIN numbers, so	9	Q And where did you --
10	they can verify it by the VIN.	10	A Transport it to Baltimore-Washington
11	BY MR. LEVINE:	11	Manheim.
12	Q Okay. Other than providing the receivable	12	Q And when was that done?
13	to PAR Services, did you provide any other	13	A I guess a couple of days later. I don't
14	information to PAR Services?	14	have the exact date.
15	A Just addresses of where to go look.	15	Q Okay. Do you know when Manheim obtained
16	Q Did you provide a copy of the title to the	16	possession of the vehicle?
17	vehicle?	17	A It should have been provided. But yes, we
18	A No.	18	have it on record, I don't recall the exact date.
19	Q Did you know whether or not you had the	19	Q And how did you learn that the vehicle had
20	title to the vehicle at this time?	20	been taken to Manheim, BW Manheim? Is that how it's
21	A Yes.	21	referred to, BW Manheim?
22	Q Did you have the title to the vehicle at	22	A Baltimore-Washington, yes.
	94		96
1	this time?	1	Q How did you learn that it had been
2	A Yes.	2	delivered to BW Manheim?
3	Q So after the vehicle was repossessed, who	3	A So they let me know, once they take it
4	contacted you from PAR?	4	over, I do a report to let them know we'll get it
5	A Denny.	5	checked in, so our repossession team will verify that
6	Q And did he call you?	6	it's been checked in over there.
7	A Yes.	7	Q When you say "they," you mean PAR Services
8	Q And what day was it that he called you?	8	will let you know?
9	A It would have been the 21st.	9	A They'll let me know when they take it in,
10	Q And what did he say?	10	yes.
11	A That they picked up the vehicle. It was on	11	Q Did they do that in this case?
12	his lot, and where did I want him to take it.	12	A Yes.
13	Q They took the vehicle back to his lot?	13	Q Did Denny call and tell you that?
14	A His storage lot.	14	A Yes.
15	Q And where is that located?	15	Q Any written communications with PAR
16	A I don't know. They have a couple, but I'm	16	Services?
17	not sure exactly which lot he took it to.	17	A No. I pretty much deal with them on the
18	Q Do you know whether they conducted an	18	phone.
19	inventory of the vehicle?	19	Q Okay. So no emails with PAR Services?
20	A They did not, because they did not have	20	A No.
21	keys to the vehicle.	21	Q No?
22	Q Do you know whether anyone at PAR Services	22	A No.

	97		99
1	Q And do you have a contract with PAR	1	to do an inventory.
2	Services?	2	Q Okay. Did they do an inventory?
3	A Yes. Just a general contract. Basically	3	A Yes.
4	they provide us with their license number and that	4	Q They didn't have keys?
5	kind of stuff. Just generally make sure they're	5	A Any time they get a car and it does not
6	bonded.	6	have keys, they automatically have keys made so they
7	Q Now, when did NextGear first learn that	7	can move the vehicle around.
8	Mrs. Mahdavi might have had an interest in the BMW?	8	Q All right. And did they provide you with
9	A So I guess it was made aware like a day or	9	an inventory?
10	two later. She actually contacted PAR, and in return	10	A Nothing written. They said nothing was
11	they contacted me.	11	found.
12	Q Okay. Did you ever speak with	12	Q There was nothing in the vehicle?
13	Mrs. Mahdavi?	13	A Nothing -- the only thing that was found I
14	A No.	14	think was some gloves that were put in the back.
15	Q Do you know if anyone at NextGear has	15	Q Okay.
16	spoken with Mrs. Mahdavi?	16	A Workout gloves.
17	A No.	17	Q So no watch?
18	Q No, you don't know, or no one has?	18	A No watch.
19	A No, I'm not aware. No.	19	Q No cash?
20	Q So when the vehicle was taken to Manheim,	20	A No cash.
21	did you talk to anyone at Manheim about the BMW?	21	Q And no jewelry?
22	A Yes.	22	A (No verbal response.)
	98		100
1	Q And who did you speak with there?	1	Q Just bags of clothes?
2	A Their repossession team. Christian Taylor.	2	A Workout clothes, I think.
3	Q Did he call you to tell you he had the	3	Q Child car seat?
4	vehicle?	4	A No.
5	A No.	5	Q Have you had any communications with April
6	Q Did you call him?	6	Rector about the BMW?
7	A Yes. I wanted to confirm it was there.	7	A Just at the time when it happened.
8	Like I said, the way it happens, Denny would let me	8	Q What was that communication?
9	know the vehicle is being taken over there. I have	9	A To transport the vehicle.
10	what they call a repossession form, so I submit that.	10	Q So you spoke to Denny and to April Rector?
11	Our repo team verifies -- like I said, we have an	11	A Mm-hmm.
12	automatic connection with the auctions, they'll let	12	Q What was your conversation with April
13	us know when a vehicle has been checked in. So we	13	Rector?
14	verified that the vehicle was there.	14	A Just to transport it. I think when I
15	Q Now, was the vehicle already at Manheim	15	originally called, I was on the cellphone, I called
16	when you learned that Mrs. Mahdavi was saying that	16	the office and got her, just to let her know, "Hey,
17	she owned the vehicle?	17	transport that for me." Then Denny called me back.
18	A I am assuming so. I think so.	18	Q Did you find any other vehicles at homes of
19	Q What instructions did you give to Manheim	19	any other BW Auto employee?
20	about the BMW?	20	A No.
21	A I let them know, I guess there was an	21	Q Where is the BMW now?
22	accusation that they had a watch in the vehicle, and	22	A Still at Manheim, Baltimore-Washington.

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<p>1 Q When was the last time you saw it?</p> <p>2 A I guess when it was originally repossessed,</p> <p>3 say the 24th or something like that.</p> <p>4 Q Of May?</p> <p>5 A Uh-huh.</p> <p>6 Q Have you seen it since?</p> <p>7 A No.</p> <p>8 Q Okay. Have you been given any reports on</p> <p>9 its whereabouts?</p> <p>10 A No. They were just keeping it in their</p> <p>11 storage lot.</p> <p>12 Q Okay. So as far as you know, it's still</p> <p>13 sitting on their lot?</p> <p>14 A Yes.</p> <p>15 Q Do you know if anyone's been inside the BMW</p> <p>16 since it was inventoried?</p> <p>17 A No, I wouldn't know that.</p> <p>18 Q Are you aware that Pentagon Federal Credit</p> <p>19 Union contacted NextGear?</p> <p>20 A Yes.</p> <p>21 Q And what do you know about that?</p> <p>22 A That they contacted us, that's when we were</p>	<p>1 collection management screen. But it's just like any</p> <p>2 other vehicle, nothing specific towards that 645.</p> <p>3 Q And so did you review, you know, what the</p> <p>4 standard collection file would be for the BMW in</p> <p>5 preparation for this deposition?</p> <p>6 A No. I mean, there's not much done with it,</p> <p>7 just to elaborate. I mean, it's been repossessed,</p> <p>8 because you have the legalities. Most of the time we</p> <p>9 sell the vehicles within ten days, so we run it back</p> <p>10 to the auction. So that hasn't been sold because of</p> <p>11 the legal proceedings we're going through now.</p> <p>12 Q Okay. Now, the letter from Pentagon</p> <p>13 Federal Credit Union to Mrs. Mahdavi, it says that</p> <p>14 NextGear authorized the repossession. Do you agree</p> <p>15 with that statement?</p> <p>16 A Correct.</p> <p>17 Q Okay. And there's no dispute that PAR</p> <p>18 Services was acting on behalf of NextGear?</p> <p>19 MR. BRAGDON: Objection. You can answer.</p> <p>20 A No.</p> <p>21 BY MR. LEVINE:</p> <p>22 Q Now, going back to NextGear's answer to the</p>
102	104
<p>1 made aware about the loan. And that's when they</p> <p>2 faxed over their information.</p> <p>3 Q Okay. And who is Stacy Miller Byrd?</p> <p>4 A She's one of the collectors. Stacy Miller,</p> <p>5 right? Oh, she got married.</p> <p>6 (NextGear Exhibit 12 was marked for</p> <p>7 identification and attached to the deposition</p> <p>8 transcript.)</p> <p>9 BY MR. LEVINE:</p> <p>10 Q Have you seen this letter before?</p> <p>11 A I had not seen this, no.</p> <p>12 Q You've never seen that before? Okay. Are</p> <p>13 you aware of NextGear's communication with Pentagon</p> <p>14 Federal Credit Union?</p> <p>15 A No.</p> <p>16 Q Do you know if anyone else besides Stacy</p> <p>17 Miller has been in contact with Federal Credit Union?</p> <p>18 A No, I'm not aware.</p> <p>19 Q Do you know, is there a file kept with</p> <p>20 respect to this BMW at NextGear?</p> <p>21 A It would be our standard collections. So</p> <p>22 one of the things that you have here is our</p>	<p>1 complaint in this matter, several defenses are</p> <p>2 asserted. And one of the defenses that's asserted is</p> <p>3 that Mrs. Mahdavi's claims are barred by fraud. Are</p> <p>4 you aware of any fraud that Mrs. Mahdavi has</p> <p>5 committed?</p> <p>6 MR. BRAGDON: Objection. You can answer.</p> <p>7 A Well, I think we touched upon it. We have</p> <p>8 the original title to the vehicle. So to get any</p> <p>9 financing, you have to provide the financing company</p> <p>10 with a title. So the question would be --</p> <p>11 BY MR. LEVINE:</p> <p>12 Q You're talking about BW Auto --</p> <p>13 MR. BRAGDON: He was in the middle of his</p> <p>14 answer. Can he just finish his answer, please?</p> <p>15 A So, however the financing was conducted, it</p> <p>16 was done by falsified title. Then again, once we saw</p> <p>17 the information that was on the bill of sale, there</p> <p>18 was a falsified address. So two of those factors,</p> <p>19 that's how we kind of determined that it was</p> <p>20 fraudulently done.</p> <p>21 BY MR. LEVINE:</p> <p>22 Q How do you know --</p>

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1 A And the third party -- I'm sorry. The 2 third party, like I said, it was actually purchased 3 from Manheim prior to being financed in March or what 4 have you. And I don't have the exact date. But if 5 you look at the bill of sale, we actually have it in 6 some of the files here, the bill of sale says it was 7 purchased in March, and it was floored in April, and 8 they said it was sold in March as well. 9 Q Now, you say that the address used on the 10 bill of sale was falsified? 11 A Well, yes. It was not their residence. 12 Q And when did you learn that? 13 A When we got a copy of the bill of sale from 14 Pentagon. When we got a copy of the title work and 15 everything. 16 Q And what led you to believe it was a false 17 address? 18 A I actually went down to the address that 19 they had on there. We realized it was a wholesale 20 address that they had on file with the MVA. No -- it 21 was basically a garage that was there. 22 Q Who is "they"?	1 the information that was provided in answers to 2 interrogatories -- 3 MR. LEVINE: There's a lot of holes in the 4 answers to interrogatories. And we're trying to 5 cover those right now, okay? So I can go through 6 them one by one if I want. 7 MR. BRAGDON: Of course you can. 8 MR. LEVINE: And you can instruct him not 9 to answer if you want, okay? 10 BY MR. LEVINE: 11 Q So you don't know who submitted the 12 paperwork for title? 13 A No. 14 Q You don't know what conversations 15 Mrs. Mahdavi had with Mr. Mahdavi about purchasing 16 the vehicle? 17 MR. BRAGDON: Objection. 18 A No. 19 BY MR. LEVINE: 20 Q Do you know anything about conversations 21 that Mrs. Mahdavi had with anybody about purchasing 22 the vehicle?		
	106		108
1 A Ms. Mahdavi. 2 Q Okay. And so what knowledge do you have 3 that she participated in the fraud? 4 MR. BRAGDON: Objection. 5 A I mean, I don't have -- who filed their 6 paperwork? I mean, no, I don't have an answer for 7 you there. 8 MR. BRAGDON: We've also answered these 9 exact questions in interrogatories. 10 MR. LEVINE: I'm sorry. Is there an 11 objection? 12 MR. BRAGDON: Yes. 13 MR. LEVINE: Can you state it concisely? 14 MR. BRAGDON: Yes. Asked and answered. 15 He's answered these -- 16 MR. LEVINE: I've heard your objection. 17 I'm going to ask my questions, okay? I'll go through 18 every question I want and have him answer if I feel 19 like it, okay? 20 MR. BRAGDON: If you're asking each 21 interrogatory after he's already provided 22 information, it just seems like a waste of time. But	1 MR. BRAGDON: Objection to form. You can 2 answer. 3 A No. 4 BY MR. LEVINE: 5 Q Are you aware of any facts to support a 6 contention that Mrs. Mahdavi didn't pay for the BMW? 7 MR. BRAGDON: Objection. Those facts have 8 been provided in the answers to interrogatories. You 9 can answer. 10 A I'm not aware. 11 (NextGear Exhibit 11 was marked for 12 identification and attached to the deposition 13 transcript.) 14 BY MR. LEVINE: 15 Q I'll ask you to take a look at what's been 16 marked as NextGear 11. Can you identify this 17 document? 18 A Condition report. 19 Q Whose record is this? 20 A It looks like Manheim's. 21 Q This is not a NextGear record? 22 A No. This would be their condition report		

<p>109</p> <p>1 when they check the vehicles out.</p> <p>2 Q And is this something that NextGear would</p> <p>3 send -- I mean, excuse me, that Manheim would send to</p> <p>4 NextGear?</p> <p>5 A Yes, I'm sure we get a record of it. Yes.</p> <p>6 Q Okay. Do you know whether Manheim provided</p> <p>7 this particular document to NextGear?</p> <p>8 A No. I'm not aware if they did or not.</p> <p>9 Q Does NextGear have any policies and</p> <p>10 procedures with respect to repossessing vehicles?</p> <p>11 MR. BRAGDON: Objection. You can answer.</p> <p>12 A Our policy is normally if a dealer is</p> <p>13 unable to pay the debt, we usually collect whatever</p> <p>14 inventory that is left on the lot.</p> <p>15 BY MR. LEVINE:</p> <p>16 Q Is this a written policy?</p> <p>17 A It's in the contract, yes.</p> <p>18 Q So the policy would be stated in the</p> <p>19 document that's been marked as NextGear 8?</p> <p>20 MR. BRAGDON: Objection to form. You can</p> <p>21 answer.</p> <p>22 A Yes.</p>	<p>111</p> <p>1 A So again, our attorneys are handling that,</p> <p>2 so everything is forwarded to the attorneys.</p> <p>3 Q Okay. And did your involvement cease?</p> <p>4 A Correct.</p> <p>5 Q Okay. Had BW Auto, other than the BMW, had</p> <p>6 they ever floored a vehicle that it had previously</p> <p>7 sold?</p> <p>8 MR. BRAGDON: Objection. You can answer.</p> <p>9 A Not that we're aware of, not that they got</p> <p>10 caught for, no.</p> <p>11 BY MR. LEVINE:</p> <p>12 Q So the BMW is the only vehicle you're aware</p> <p>13 of?</p> <p>14 A Yes. Only because of the bill of sale</p> <p>15 provided by -- by Pentagon.</p> <p>16 Q Okay. Of the other vehicles that were on</p> <p>17 the receivable list, had any of those vehicles been</p> <p>18 sold?</p> <p>19 A Yes. Again, at the time, I was given the</p> <p>20 20 bill of sales, so he was saying that they were the</p> <p>21 sold vehicles. But if we have a record on file, we</p> <p>22 should have a record of list of the bill of sales.</p>
<p>110</p> <p>1 BY MR. LEVINE:</p> <p>2 Q Did you review this document prior to</p> <p>3 reposessing the BMW?</p> <p>4 A Review it with whom?</p> <p>5 Q Did you personally review the document?</p> <p>6 A No.</p> <p>7 Q Did you refer to it at all prior to</p> <p>8 reposessing the vehicle?</p> <p>9 MR. BRAGDON: Objection. You can answer.</p> <p>10 At any point prior?</p> <p>11 MR. LEVINE: I said, yes, "prior to."</p> <p>12 A So I did not -- I mean, I know the</p> <p>13 contract. We were out a million and a half dollars</p> <p>14 or a million point four dollars, so we were trying to</p> <p>15 collect anything we could at that time.</p> <p>16 BY MR. LEVINE:</p> <p>17 Q But you didn't go back and refer to the</p> <p>18 contract prior to reposessing the BMW?</p> <p>19 A No, sir.</p> <p>20 Q So after you learned that Mrs. Mahdavi was</p> <p>21 claiming she owned the BMW, what did you do about</p> <p>22 that issue?</p>	<p>112</p> <p>1 If you look, some of the names were questionable, to</p> <p>2 say the least.</p> <p>3 Q In what way?</p> <p>4 A I think one of them said "incognito," and</p> <p>5 one said "not me," "it wasn't me," that type of</p> <p>6 thing.</p> <p>7 Q On the bill of sale?</p> <p>8 A On the actual bill of sales.</p> <p>9 Q Okay. And do you still have copies of</p> <p>10 those bills of sale?</p> <p>11 A We should have copies of the bill of sales.</p> <p>12 Q And who provided those to you?</p> <p>13 A Alex at the time.</p> <p>14 Q Alex did, okay. Do you know whether or not</p> <p>15 his signature was on any of those bills of sale?</p> <p>16 A No.</p> <p>17 Q Do you know whether his signature is on the</p> <p>18 bill of sale to Mrs. Mahdavi?</p> <p>19 A No. So we were just given printouts of the</p> <p>20 bill of sale, so there were no signatures at all.</p> <p>21 They stated they had a break-in and all the hard</p> <p>22 files had been stolen.</p>

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<p>1 Q Who told you there was a break-in?</p> <p>2 A Molavi.</p> <p>3 Q Mr. Molavi?</p> <p>4 A Yes.</p> <p>5 Q I just want to make sure we're not getting</p> <p>6 Mahdavi and Molavi --</p> <p>7 A Molavi.</p> <p>8 Q And when did he say this break-in occurred?</p> <p>9 A I think we should have this documented as</p> <p>10 well. Two weeks prior, I think, or a week prior.</p> <p>11 Q Did you ask Mr. Mahdavi about this</p> <p>12 break-in?</p> <p>13 A It was after the fact, so I haven't spoken</p> <p>14 with him since the day we went through the lot.</p> <p>15 Q Does BW Auto only sell used cars?</p> <p>16 A Yes, that I'm aware of.</p> <p>17 Q And are you aware about how many cars, what</p> <p>18 percentage it typically would sell at auction versus</p> <p>19 selling off the lot?</p> <p>20 A They didn't usually run vehicles back</p> <p>21 through the auction. They sold 100 percent, I would</p> <p>22 say, to customers.</p>	<p>1 BY MR. BRAGDON:</p> <p>2 Q When you said the "standard collection</p> <p>3 file," were you referring to the computer system?</p> <p>4 MR. LEVINE: Objection, leading.</p> <p>5 A Correct.</p> <p>6 BY MR. BRAGDON:</p> <p>7 Q Did you review the computer system at any</p> <p>8 point since the repossession?</p> <p>9 A Have I? No, not personally.</p> <p>10 Q Did you review it while the repossession</p> <p>11 was going on?</p> <p>12 A Yes.</p> <p>13 Q And you reviewed the printout?</p> <p>14 MR. LEVINE: Objection, leading.</p> <p>15 A Yes.</p> <p>16 BY MR. BRAGDON:</p> <p>17 Q Now, you spoke with --</p> <p>18 MR. LEVINE: Objection.</p> <p>19 MR. BRAGDON: Excuse me?</p> <p>20 MR. LEVINE: I'm anticipating another</p> <p>21 leading question, so...</p> <p>22 BY MR. BRAGDON:</p>
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<p>1 Q Okay. When did NextGear first inform BW</p> <p>2 Auto that it was in default?</p> <p>3 A So we went to the lot that day, I guess the</p> <p>4 April 20th or whatever it was. And we didn't have</p> <p>5 any of our inventory, and we didn't have any money.</p> <p>6 He was in default at that time, so he was made aware</p> <p>7 then.</p> <p>8 Q So prior to that, NextGear was not aware of</p> <p>9 any default?</p> <p>10 A Yeah, no.</p> <p>11 Q And prior to that, NextGear had not</p> <p>12 informed BW that it was in default?</p> <p>13 A No.</p> <p>14 MR. BRAGDON: Objection to form. You can</p> <p>15 answer.</p> <p>16 A No.</p> <p>17 MR. LEVINE: I don't have any further</p> <p>18 questions.</p> <p>19 MR. MARKELS: No questions.</p> <p>20 MR. BRAGDON: Just a few questions.</p> <p>21 EXAMINATION BY COUNSEL FOR</p> <p>22 DEFENDANT NEXTGEAR CAPITAL INC.</p>	<p>1 Q When did you speak with Alex Mahdavi?</p> <p>2 A So the day we have it, I guess it would</p> <p>3 have been April the 20th or whatever it was, the day</p> <p>4 we discovered that all the vehicles were missing.</p> <p>5 Q And what time was it?</p> <p>6 A I got there about 10, 10:30 in the morning.</p> <p>7 Q And you spoke to him before that?</p> <p>8 A I spoke with him that evening.</p> <p>9 Q The previous evening?</p> <p>10 A Mm-hmm.</p> <p>11 Q And what time was that?</p> <p>12 A It was about probably 6:30, 7. He told me</p> <p>13 he would give me a call back.</p> <p>14 Q Did he?</p> <p>15 A No, he never did.</p> <p>16 Q And what did you discuss?</p> <p>17 A I just asked him is everything okay.</p> <p>18 Q What did he tell you?</p> <p>19 A Yes.</p> <p>20 Q Did he tell you any cars were missing from</p> <p>21 the lot?</p> <p>22 A No.</p>

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<p>1 Q From your experience, what were 2 Mr. Mahdavi's job responsibilities?</p> <p>3 A He was the general manager. He was in 4 charge of all financing and managing the floor plan.</p> <p>5 Q Did he manage submission of funds to 6 NextGear?</p> <p>7 A Correct.</p> <p>8 Q And did he provide bills of sale when they 9 came in?</p> <p>10 A Yes. He was -- our auditor would speak 11 with him and collect the bill of sales.</p> <p>12 Q Did he provide you a bill of sale for the 13 BMW when you saw him?</p> <p>14 A No.</p> <p>15 Q Did he tell you that it had been sold?</p> <p>16 A No.</p> <p>17 Q Did he submit any funds to NextGear?</p> <p>18 A No.</p> <p>19 MR. LEVINE: Objection, foundation.</p> <p>20 BY MR. BRAGDON:</p> <p>21 Q And you testified earlier there was a 22 break-in?</p>	<p>1 A There is a copy of the bill of sales, but 2 there are no signatures.</p> <p>3 Q Got you.</p> <p>4 A So they would just be computer printouts, 5 is what he provided us with.</p> <p>6 Q And did you ever see a bill of sale for the 7 BMW?</p> <p>8 A No. Not until Pentagon provided it.</p> <p>9 MR. BRAGDON: No further questions.</p> <p>10 FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFF</p> <p>11 BY MR. LEVINE:</p> <p>12 Q You said that when you called Mr. Mahdavi 13 the evening before you went to the lot --</p> <p>14 A Mm-hmm.</p> <p>15 Q -- you asked him if everything was okay?</p> <p>16 A Mm-hmm.</p> <p>17 Q Did you specify what you were talking 18 about?</p> <p>19 A No. I just said, "Is everything all right, 20 you had some payments due" or something like that, 21 "Are you okay to make those." Just a regular call.</p> <p>22 A lot of my dealers forget, they have a cutoff of</p>
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able	affidavit	65:2	100:5,10,12	attorney
28:17 84:6 92:18	15:10,12,16,18,22	amounts	105:7 114:4	11:1,4 13:9
	16:5	63:18,22	116:3	attorneys
access	affiliate	and/or	area	13:18 14:1,2,3,4
46:16 54:9 75:9	64:4	8:8	20:17 21:16	17:16,18,19
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